UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,271	12/27/2000	Mohamed S. Sheriff	P9055	4855

7590   05/06/2004

Guojun Zhou
c/o Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2126	7

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/749,271	SHERIFF ET AL.
	Examiner	Art Unit
	Lewis A. Bullock, Jr.	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 December 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   New corrected drawings are required in this application because of Draftperson's

Review. Applicant is advised to employ the services of a competent patent draftsperson

outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

drawings. The corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The requirement for corrected drawings will not be held

in abeyance.

Claim Rejections - 35 USC § 112

2.   Claims 12-19 recite the limitation "The apparatus according to claim 9" in line 1 of

each claim. There is insufficient antecedent basis for this limitation in the claim. Claim

9 is not an apparatus claim. The claims should depend on claim 11 and will be further

examined as such. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4, 7, 9, 11-14, 19 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over "Java Management Extensions White Paper" by SUN.

As to claim 1, SUN teaches a method for communicating with a computer, comprising: accessing a web browser application (web browser); executing an adapter program (via SNMP manager API / WBEM client API connected to Mbean server of Java agent) that converts communication information (management information / management commands) in a first format (java) to a second format (CIM/WBEM / SNMP); and transferring the communication information (management information / management commands) in the second format (CIM/WBEM / SNMP) to a second computer (legacy system) (see fig. 1, pg. 4-8; pg. 10-11). However, SUN does not explicitly teach the web browser executes on a computer having a first operating system or the second computer having a second operating system. Official Notice is taken in that it is well known in the art that a java application, i.e. a Java web browser, executes on a Java system and that computer systems have operating systems. Therefore, it would be obvious to one skilled in the art at the time of the invention that translation of formats from Java to CIM/WBEM or SNMP is between different computer systems and their components.

As to claim 11, SUN teaches an apparatus for communicating with a computer comprising: a management program (web browser / proprietary management application / JMX Manager) remotely issuing a set of programming instructions (management information / management commands); a remote server (Java Virtual Machine) having an adapter program (Mbean server of Java agent) that receives and executes the programming instructions in a first format (java); an interface (SNMP

manager API / WBEM client API) coupled to the adapter program (Mbean Server of

Java Agent) and being adapted to convert the programming instructions to a second

format (CIM/WBEM / SNMP); a second computer (legacy system) operatively coupled

to the remote server (via the APIs), the second computer receiving and responding to

the programming instructions (management information / management commands) in

the second format (CIM/WBEM / SNMP) (see fig. 1, pg. 4-8; pg. 10-11). However, SUN

does not explicitly teach the management program executes on a computer having a

first operating system for issuing the instructions or the second computer having a

second operating system. Official Notice is taken in that it is well known in the art that a

java management application, i.e. a Java web browser, executes on a Java system and

that computer systems have operating systems. Therefore, it would be obvious to one

skilled in the art at the time of the invention that translation of formats from Java to

CIM/WBEM or SNMP is between different computer systems and their components.

As to claim 21, reference is made to a computer readable medium that

corresponds to the method of claim 1 and is therefore met by the rejection of claim 1

above.

As to claim 2, SUN teaches the first format includes a Java-based program (JMX

manager / Java Applications) performing a CIM operation (accessing a CIM Object

Manager) (pg. 10-11).

As to claim 3, SUN teaches the adapter program (Mbean Server) converts a Java based API (JMX interface) to CIM operation (via WBEM client API) (pg. 10-11).

As to claim 4, Official Notice is taken in that it is well known in the art to one of ordinary skill in the art that communication between systems would entail using one of the following: a modem, a LAN, a WAN, an intranet, an Internet, and a computer.

As to claim 7, "Official Notice" is taken in that it is well known in the art that a Java system has a Java operating system.

As to claim 9, SUN teaches the communication information includes CIM formatted information (via WBEM client API) (pg. 10-11).

As to claim 12, "Official Notice" is taken in that it is well known in the art that a Java system has a Java operating system.

As to claim 13, SUN teaches the instructions are Java APIs (via JMX) (see fig. 1, pg. 4-8; pg. 10-11).

As to claim 14, SUN teaches the first format includes CIM (proprietary Management Application) (see fig. 1, pg. 4-8; pg. 10-11).

As to claim 19, Official Notice is taken in that it is well known in the art to one of

ordinary skill in the art that communication between systems would entail using one of

the following: a modem, a LAN, a WAN, an intranet, an Internet, and a computer.

5.   Claims 5, 6, 8, 15, 16, 18, 20 and 22 are rejected under 35 U.S.C. 103(a) as

being unpatentable over "Java Management Extensions White Paper" by SUN in view

of Applicant's Admitted Prior Art (APA).

As to claim 20, SUN teaches an interface (JMX) that permits communication

between a Java based program (web browser / proprietary management application /

JMX Manager) and a Web-Based Enterprise Management Server (legacy system)

comprising: a web based adapter routine (Java Agent) connected to the Java based

program (web browser / proprietary management application / JMX Manager), the

adapter routine accepting and converting application programming instructions

(management information / management commands) from the Java based program

(web browser / proprietary management application / JMX Manager) and converting the

APIs to Common Information Model operations (via Mbean server having access to

WBEM client API); a Java to Windows Management Instrumentation interface (WBEM

client API) for converting the CIM operations to WMI compatible CIM operations; and a

CIM to WMI mapper (Mbean server) connected to a Microsoft WBEM server (legacy

system), for executing the WMI compatible CMI operations (invoking access operations)

on the Microsoft WBEM server (legacy system) (see fig. 1, pg. 4-8; pg. 10-11).

However, SUN does not explicitly teach the java-based program executes on a

computer/console having a first operating system for issuing the instructions or the second computer having a second Microsoft operating system. Official Notice is taken in that it is well known in the art that a java management application, i.e. a Java web browser, executes on a Java system and that computer systems have operating systems. Therefore, it would be obvious to one skilled in the art at the time of the invention that translation of formats from Java to CIM/WBEM or SNMP is between different computer systems and their components. SUN also teaches that the use of JMX as an open interface in integrating with existing management systems in order for Java managers to access agents in any legacy system and communicate with them through their existing protocol (pg. 10-11). However, SUN does not teach that this second format is WMI that operates under Microsoft.

APA teaches a management protocol known as WMI operating via COM/DCOM that operates in a computer system having a Microsoft operating system (pg. 2, lines 5-10). Therefore, it would be obvious to one skilled in the art to modify the teachings of SUN with the teachings of APA in order to facilitate integration of Java with legacy WMI systems implementing Microsoft.

As to claim 22, reference is made to a computer readable medium that corresponds to the interface of claim 20 and is therefore met by the rejection of claim 20 above.

As to claim 5, SUN teaches that the use of an open interface in integrating with existing management systems in order for Java managers to access agents in any legacy system and communicate with them through an existing protocol (pg. 10-11). However, SUN does not teach that this second format is WMI which operates via COM/DCOM.

APA teaches a management protocol known as WMI operating via COM/DCOM that operates in a computer system having a Microsoft operating system (pg. 2, lines 5-10). Therefore, it would be obvious to one skilled in the art to modify the teachings of SUN with the teachings of APA in order to facilitate integration of Java with legacy WMI systems.

As to claim 6, SUN teaches that the use of an open interface in integrating with existing management systems, for instance WBEM/CIM in order for Java managers to access agents in any legacy system and communicate with them through an existing protocol (pg. 10-11). However, SUN does not teach that this second format includes XML.

APA teaches WBEM allows both browsers and applications to access information that is made available in network standard formats, such as HTML and XML (pg. 2, lines 1-2). Therefore, it would be obvious to one skilled in the art to modify the teachings of SUN with the teachings of APA in order to facilitate integration of Java systems with legacy systems in their standard network formats.

As to claim 8, refer to claim 5 for rejection.

As to claim 15, SUN teaches that the use of an open interface in integrating with
existing management systems in order for Java managers to access agents in any
legacy system and communicate with them through an existing protocol (pg. 10-11).
However, SUN does not teach that this second format is WMI which operates via
COM/DCOM.

APA teaches a management protocol known as WMI operating via COM/DCOM
that operates in a computer system having a Microsoft operating system (pg. 2, lines 5-
10). Therefore, it would be obvious to one skilled in the art to modify the teachings of
SUN with the teachings of APA in order to facilitate integration of Java with legacy WMI
systems.

As to claim 16, refer to claim 15 for rejection.

As to claim 18, SUN teaches that the use of an open interface in integrating with
existing management systems, for instance WBEM/CIM in order for Java managers to
access agents in any legacy system and communicate with them through an existing
protocol (pg. 10-11). However, SUN does not teach that this second format includes
XML.

APA teaches WBEM allows both browsers and applications to access
information that is made available in network standard formats, such as HTML and XML

(pg. 2, lines 1-2). Therefore, it would be obvious to one skilled in the art to modify the

teachings of SUN with the teachings of APA in order to facilitate integration of Java

systems with legacy systems in their standard network formats.

6.   Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "Java Management Extensions White Paper" by SUN in view of "java Management

Extensions Instrumentation and Agent Specification, v 1.0" by SUN (SUN2).

        As to claim 10, SUN teaches the adapter program (agent) comprises a Java/WMI

interface (WBEM client API), and a CIM to WMI mapper (Mbean server) (see fig. 1, pg.

4-8; pg. 10-11). However, SUN does not teach the adapter program having a Java

Native Interface.

        SUN2 teaches the adapter program has access to a Java Native Interface (by

virtue of the JNDI being referenced by the JMX which is accessible by the agent) (pg.

18, Leverages existing standard Java technologies). Therefore, it would be obvious to

one skilled in the art to combine the teachings of SUN with the teachings of SUN2 in

order to link with current management technologies (pg. 17, fifth paragraph).

        As to claim 17, SUN teaches the interface (JMX) comprises a Java/WMI interface

(WBEM client API), and a CIM to WMI mapper (Mbean server) (see fig. 1, pg. 4-8; pg.

10-11). However, SUN does not teach the interface having a Java Native Interface.

        SUN2 teaches the interface (JMX) has access to a Java Native Interface (by

virtue of the JNDI being referenced by the JMX which is accessible by the agent) (pg.

18, Leverages existing standard Java technologies). Therefore, it would be obvious to one skilled in the art to combine the teachings of SUN with the teachings of SUN2 in order to link with current management technologies (pg. 17, fifth paragraph).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lab